

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY MAY 19, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1553

**Introduced by Assembly Member Calderon and
Calderon and Granlund and Senator Baca**

February 26, 1999

An act to amend Section 25210.9a of the Government Code, relating to local government, and to add Sections 25210.70a and 56429 to the Government Code, to add Section 33492.42 to the Health and Safety Code, to amend Section 1505.5 of the Public Utilities Code, and to amend Section 71697 of the Water Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1553, as amended, Calderon. Local government: county service areas redevelopment.

Existing

(1) Existing law provides procedures for the establishment of county service areas for counties to provide specified governmental services within unincorporated areas, for the establishment of municipal water districts, and for the formation of joint powers agencies as redevelopment agencies for the redevelopment of military facilities located within the redevelopment project area of the agencies.

This bill would authorize those entities with respect to certain territory within the Norton Air Force Redevelopment Project Area to establish sewer and water supply facilities on specified state lands without approval by other agencies, except as specified. The bill would exempt water service, as specified, in that redevelopment project area from a requirement for the payment of just compensation for private utility property taken for public purposes.

(2) Existing law requires a local agency formation commission to determine the territory to be included in a sphere of influence for local agencies within its jurisdiction and the need for and capacity of public facilities.

This bill would authorize residents or landowners of unincorporated territory located in that redevelopment project area to petition a local agency formation commission for the removal of the land from a city's sphere of influence, thereby creating a state-mandated local program by imposing new duties on those commissions. The bill would provide that a determination of a city's sphere of influence shall not preclude the provision of specified services to that redevelopment project area.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. ~~Existing law authorizes the county board of supervisors to transfer moneys to a county service area or to a zone within a county service area from any available county funds to pay currently payable expenses incurred by reason of the establishment of any extended services within the service area or zone prior to the time that a tax may be levied for those services.~~

~~This bill would authorize the county to transfer those funds electronically whenever possible if requested by a recipient service area or zone.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 25210.9a of the Government~~
2 ~~Code is amended to read:~~

3 ~~25210.9a. The board of supervisors may from time to~~
4 ~~time transfer moneys to a county service area or to a zone~~
5 ~~within a county service area, for the benefit of the service~~
6 ~~area or zone, from any available funds of the county. Any~~
7 ~~moneys so transferred may be used for the payment of~~
8 ~~any currently payable expenses incurred by reason of the~~
9 ~~establishment of any extended services within the service~~
10 ~~area or zone prior to December 1 of the first fiscal year~~
11 ~~in which a tax may be levied for extended services within~~
12 ~~the service area or zone. Upon request of the recipient~~
13 ~~service area or zone, the county may transfer these funds~~
14 ~~electronically whenever possible. The rate of interest~~
15 ~~earned by those moneys shall be determined by the board~~
16 ~~of supervisors.~~

17 *SECTION 1. Section 25210.70a is added to the*
18 *Government Code, to read:*

19 *25210.70a. (a) A county service area in whose*
20 *territory all or any portion of the redevelopment project*
21 *area referenced in subdivision (e) of Section 33492.41 of*
22 *the Health and Safety Code is located may locate,*
23 *construct, and maintain facilities and infrastructure for*
24 *sewer and water pipelines or other facilities for sewer*
25 *transmission and water supply or distribution systems*
26 *along and across any street or public highway and on any*
27 *lands that are now or hereafter owned by the state, for the*
28 *purpose of providing facilities or services related to*
29 *development, as defined in subdivision (e) of Section*
30 *56426, to or in that portion of the redevelopment project*
31 *area that, as of January 1, 2000, meets all of the following*
32 *requirements:*

1 (1) *Is unincorporated territory.*

2 (2) *Contains at least 100 acres.*

3 (3) *Is surrounded or substantially surrounded by*
4 *incorporated territory.*

5 (4) *Contains at least 100 acres zoned for commercial or*
6 *industrial uses or is designated on the applicable county*
7 *general plan for commercial or industrial uses.*

8 (b) *The provision of facilities or services related to*
9 *development may be provided by the county service area*
10 *to all or any portion of the area defined in paragraphs (1)*
11 *to (4), inclusive, of subdivision (a). Notwithstanding any*
12 *other provision of this code, building ordinances, zoning*
13 *ordinances, and any other local ordinances, rules, and*
14 *regulations of a city or other political subdivision of the*
15 *state shall not apply to the location, construction, or*
16 *maintenance of facilities or services related to*
17 *development pursuant to this section.*

18 SEC. 2. *Section 56425 of the Government Code is*
19 *amended to read:*

20 56425. (a) In order to carry out its purposes and
21 responsibilities for planning and shaping the logical and
22 orderly development and coordination of local
23 governmental agencies so as to advantageously provide
24 for the present and future needs of the county and its
25 communities, the commission shall develop and
26 determine the sphere of influence of each local
27 governmental agency within the county. In determining
28 the sphere of influence of each local agency, the
29 commission shall consider and prepare a written
30 statement of its determinations with respect to each of
31 the following:

32 (1) The present and planned land uses in the area,
33 including agricultural and open-space lands.

34 (2) The present and probable need for public facilities
35 and services in the area.

36 (3) The present capacity of public facilities and
37 adequacy of public services which the agency provides or
38 is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(b) Upon determination of a sphere of influence, the commission shall adopt that sphere, and shall periodically review and update the adopted sphere.

(c) The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations. Those recommendations shall be made available, upon request, to other agencies or to the public.

(d) A determination of a city's sphere of influence, which sphere of influence includes any portion of the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, shall not preclude any other local agency as defined in Section 54951, including the redevelopment agency referenced in Section 33492.41 of the Health and Safety Code, in addition to that city, from providing facilities or services related to development, as defined in subdivision (e) of Section 56426, to or in that portion of the redevelopment project area that, as of January 1, 2000, meets all of the following requirements:

(1) Is unincorporated territory.

(2) Contains at least 100 acres.

(3) Is surrounded or substantially surrounded by incorporated territory.

(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(e) The provision of facilities or services related to development may be provided by other local agencies to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (d). Subdivision (d) and this subdivision shall be effective whether the determination of the sphere of influence is made preceding or subsequent to January 1, 2000.

SEC. 3. Section 56429 is added to the Government Code, to read:

1 56429. (a) Notwithstanding Sections 56427 and
2 56428, a petition for removal from a sphere of influence
3 determination may be brought pursuant to this section by
4 landowners within the redevelopment project area
5 referenced in subdivision (e) of Section 33492.41 of the
6 Health and Safety Code, provided that at the time the
7 petition is submitted the area for which the petition is
8 being requested meets all of the following requirements:

9 (1) Is unincorporated territory.

10 (2) Contains at least 100 acres.

11 (3) Is surrounded or substantially surrounded by
12 incorporated territory.

13 (4) Contains at least 100 acres zoned for commercial or
14 industrial uses or is designated on the applicable county
15 general plan for commercial or industrial uses.

16 (b) On receipt of a petition signed by landowners
17 owning at least 25 percent of the assessed value of the land
18 within the affected territory, the commission shall hear
19 and consider oral or written testimony.

20 (c) The petition shall be placed on the agenda of the
21 commission in accordance with subdivision (b) of Section
22 56428.

23 (d) The executive officer shall give notice of the
24 hearing in accordance with Section 56427.

25 (e) From the date of filing of the petition to the
26 conclusion of the hearing, the commission shall accept
27 written positions from any owner of land in the
28 unincorporated territory that is seeking removal from a
29 city's sphere of influence.

30 (f) The petition to remove territory from a city's
31 sphere of influence shall be granted and given immediate
32 effect if the commission finds that written positions filed
33 in favor of the petition and not withdrawn prior to the
34 conclusion of the hearing represent landowners owning
35 50 percent or more of the assessed value of the land within
36 the affected territory.

37 (g) No removal from a city's sphere of influence that
38 is proposed by petition and adopted pursuant to this
39 section shall be repealed or amended except by the
40 petition and adoption procedure provided above in this

1 *section. In all other respects, a removal from a city's*
2 *sphere of influence proposed by petition and adopted*
3 *pursuant to this section shall have the same force and*
4 *effect as any amendment to or removal from a city's*
5 *sphere of influence approved by the commission. No*
6 *property removed from a city's sphere of influence*
7 *pursuant to this section shall be annexed to that city,*
8 *unless the property is subsequently added to the sphere*
9 *of influence of the city pursuant to the petition and*
10 *adoption procedure provided in this section.*

11 *(h) The commission may establish a schedule of fees*
12 *for the costs of carrying out this section. Those fees shall*
13 *not exceed the estimated reasonable cost of providing the*
14 *service for which the fee is charged. The commission shall*
15 *impose the fees pursuant to Section 66016.*

16 *(i) All proper expenses incurred in connection with*
17 *removal from a city's sphere of influence pursuant to this*
18 *section shall be paid by the proponents.*

19 *SEC. 4. Section 33492.42 is added to the Health and*
20 *Safety Code, to read:*

21 *33492.42. (a) The redevelopment agency referenced*
22 *in Section 33492.41 may locate, construct, and maintain*
23 *facilities and infrastructure for sewer and water pipelines*
24 *or other facilities for sewer transmission and water supply*
25 *or distribution systems along and across any street or*
26 *public highway and on any lands that are now or*
27 *hereafter owned by the state, for the purpose of providing*
28 *facilities or services related to development, as defined in*
29 *subdivision (e) of Section 56426 of the Government Code,*
30 *to or in that portion of the redevelopment project area*
31 *referenced in subdivision (e) of Section 33492.41 that, as*
32 *of January 1, 2000, meets all of the following*
33 *requirements:*

34 *(1) Is unincorporated territory.*

35 *(2) Contains at least 100 acres.*

36 *(3) Is surrounded or substantially surrounded by*
37 *incorporated territory.*

38 *(4) Contains at least 100 acres zoned for commercial or*
39 *industrial uses or is designated on the applicable county*
40 *general plan for commercial or industrial uses.*

1 (b) The provision of facilities or services related to
2 development may be provided by the redevelopment
3 agency to all or any portion of the area defined in
4 paragraphs (1) to (4), inclusive, of subdivision (a).
5 Notwithstanding any other provision of the Government
6 Code, building ordinances, zoning ordinances, and any
7 other local ordinances, rules, and regulations of a city or
8 other political subdivision of the state shall not apply to
9 the location, construction, or maintenance of facilities or
10 services related to development pursuant to this section.

11 SEC. 5. Section 1505.5 of the Public Utilities Code is
12 amended to read:

13 1505.5. ~~The provisions of~~ (a) Sections 1503 and 1504
14 ~~will be applicable~~ shall apply to any political subdivision
15 ~~which that~~ constructs facilities to provide or extend water
16 service or provides or extends ~~such that~~ service to any
17 territory theretofore actually being lawfully served by
18 any other political subdivision with facilities designed and
19 constructed to provide the same type of service. ~~The~~
20 ~~provisions of this~~ This section shall not apply to any
21 territory, or portion thereof, ~~which that~~ is the subject of
22 any final judgment or litigation pending on ~~the effective~~
23 ~~date of this section~~ January 1, 1974, involving any
24 duplication of water service occurring prior to ~~the~~
25 ~~effective that date of this section.~~

26 (b) Sections 1503 and 1504 shall not apply to a local
27 agency as defined in Section 54951 of the Government
28 Code, including the redevelopment agency referenced
29 in Section 33492.41 of the Health and Safety Code that
30 provides water services to all or any part of that portion
31 of the redevelopment project area referenced in
32 subdivision (e) of Section 33492.41 of the Health and
33 Safety Code that, as of January 1, 2000, meets all of the
34 following requirements:

35 (1) Is unincorporated territory.

36 (2) Contains at least 100 acres.

37 (3) Is surrounded or substantially surrounded by
38 incorporated territory.

1 (4) Contains at least 100 acres zoned for commercial or
2 industrial uses or is designated on the applicable county
3 general plan for commercial or industrial uses.

4 (c) A local agency, as defined in Section 54951 of the
5 Government Code, or the redevelopment agency
6 referenced in Section 33492.41 of the Health and Safety
7 Code that provides sewer services to all or any part of that
8 portion of the redevelopment project area referenced in
9 subdivision (e) of Section 33492.41 of the Health and
10 Safety Code and that, as of January 1, 2000, meets all of
11 requirements specified in the following paragraphs (1) to
12 (4), inclusive, shall not be required to pay compensation
13 to another local agency providing sewer services to the
14 same area:

15 (1) Is unincorporated territory.

16 (2) Contains at least 100 acres.

17 (3) Is surrounded or substantially surrounded by
18 incorporated territory.

19 (4) Contains at least 100 acres zoned for commercial or
20 industrial uses or is designated on the applicable county
21 general plan for commercial or industrial uses.

22 SEC. 6. Section 71697 of the Water Code is amended
23 to read:

24 71697. ~~The right is hereby granted to~~ (a) A district
25 may locate, construct, and maintain district works along
26 and across any street or public highway and on any lands
27 ~~which~~ that are now or hereafter owned by the ~~State~~ state;
28 and a district has the same rights and privileges
29 appertaining thereto as have been or may be granted to
30 cities within the ~~State~~ state. For districts whose territory
31 includes any portion of the redevelopment project area
32 referenced in subdivision (e) of Section 33492.41 of the
33 Health and Safety Code, the exercise of this right shall not
34 be subject to any permitting and approval requirements
35 of any local agency other than the municipal water
36 district that is locating, constructing, or maintaining these
37 district works to the extent that this right is exercised for
38 the purpose of providing facilities or services related to
39 development, as defined in subdivision (e) of Section
40 56426 of the Government Code, to or in that portion of the

1 redevelopment project area that, as of January 1, 2000,
2 meets all of the following requirements:

3 (1) Is unincorporated territory.

4 (2) Contains at least 100 acres.

5 (3) Is surrounded or substantially surrounded by
6 incorporated territory.

7 (4) Contains at least 100 acres zoned for commercial or
8 industrial uses or is designated on the applicable county
9 general plan for commercial or industrial uses.

10 (b) The provision of facilities or services related to
11 development may be provided by the district to all or any
12 portion of the area defined in paragraphs (1) to (4),
13 inclusive, of subdivision (a). Notwithstanding any other
14 provision of the Government Code, building ordinances,
15 zoning ordinances, and any other local ordinances, rules,
16 and regulations of a city or other political subdivision of
17 the state shall not apply to the location, construction, or
18 maintenance of facilities or services related to
19 development pursuant to this section.

20 SEC. 7. Notwithstanding Section 17610 of the
21 Government Code, if the Commission on State Mandates
22 determines that this act contains costs mandated by the
23 state, reimbursement to local agencies and school
24 districts for those costs shall be made pursuant to Part 7
25 (commencing with Section 17500) of Division 4 of Title
26 2 of the Government Code. If the statewide cost of the
27 claim for reimbursement does not exceed one million
28 dollars (\$1,000,000), reimbursement shall be made from
29 the State Mandates Claims Fund.